IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4874 of 1990

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRAFULCHANDRA K UNADKAD

Versus

DIVISIONAL CONTROLLER

Appearance:

MR MUKESH H RATHOD for Petitioner

NOTICE SERVED for Petitioner No. 1

NOTICE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 28/06/2004

ORAL JUDGEMENT

1. While admitting this matter on 2nd June 1991, this Court has directed that this matter is required to be heard along with Special Civil Application

No.3771/1988 filed by the Corporation against the very same judgement and award which is challenged in the present proceedings.

2. It is now reported that the aforesaid Special Civil Application No.3771/1988 has already been disposed of by this Court by judgement and order dated 23rd August 2001. It seems that in spite of service the respondent workman did not appear in the matter. While disposing of the said petition this Court modified the award of the Labour Court by imposing a penalty of stoppage of six increments with future effect and has also given consequential directions.

3. In view of the fact that this Court has considered the very same judgement and imposed penalty as mentioned above in Special Civil Application No.3771/1988, it would not be appropriate to interfere with the impugned award in the present petition. The present petition is accordingly dismissed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]
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